



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220

Salt Lake City, UT 84116-3156

801-538-7240

801-538-7467 (Fax)

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Jack McBride
Box 503
Fillmore, UT 84631

Dear Mr. McBride:

At our meeting in Fillmore you asked me to clarify the third full paragraph on page 218 of the Cox Decree in which it states that the court shall retain jurisdiction over the distribution of water in Chalk Creek. I have asked Mr. John Mabey of the Attorney General's Office to review this for me. After his review, I would offer the following explanation.

The paragraph deals strictly with Chalk Creek. Since the State Engineer does not have a commissioner that is distributing those waters, the water users could petition the court and request that the court appoint a commissioner to distribute those waters in accordance with the Cox Decree. It then would be up to the court to rule whether it should appoint a commissioner. Also, under state law, the water users could also request that the State Engineer appoint a commissioner. Based on a 1923 Supreme Court decision, if in fact the State Engineer has an appointed commissioner, this would supersede any appointment made by a court.

If you have any additional questions, please feel free to give me a call.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

/gm

cc: ~~Jim~~ **Jim**, Distribution Assistant Engineer
Kirk Forbush, Regional Engineer
John Mabey, Assistant Attorney General

